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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,361	05/08/2001	Robert E. Novak	4000.2.22	2394
32641	7590	07/27/2006		
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			EXAMINER	
			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/851,361	NOVAK, ROBERT E.	
	Examiner Hai Tran	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 May 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-29, 40 and 41 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20, 30-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 05/01/2006 have been fully considered but they are not persuasive.

Applicant argues, (see Applicant 's remark page 13, lines 7-14), "...Contrary to the assertion made on page 3 of the Office Action, the demultiplexer does not then select between sending the SI or the audio/video signal to the decoder 47..."

In response, the Examiner respectfully disagrees with Applicant because Applicant clearly misconstrues Ishida 's reference. Ishida clearly states "If the user selects a program using the remote controller under these conditions, the program selection data enters the SI processor 67a. On the basis of this program selection data, the SI processor 67a generates audio/video selection information (the PID of the audio/video MPEG-2 TS of the selected program) and sends the PID to the audio/video/SI demultiplexer 45. The demultiplexer 45 analyzes the audio/video selection information, separates the audio/video signals (audio/video MPEG-2 TS) specified by this information and sends the signals to the audio decoder 47a and video decoder 47b...", see Col. 11, lines 9-28. In view of that Ishida clearly discloses the stream selector is configured to selectively direct one of the media streams to the hardware decoder under the control of the processor and the decoder decode the selected output from the stream selector.

Applicant further argues, "Ishida does not teach or suggest a selector for selecting between an output of the 1st processing path and an output of the second

processing path; and a decoder for decoding selected output from the selector, as recited, among other things, claim 31."

In response, the Examiner respectfully disagrees with Applicant because Ishida clearly discloses a selector (MPEG-2 transport DMUX 45 of Fig. 5) for selecting between an output of the 1st processing path (42, 43, output of 44) and an output of the second processing path (61, 62, 67 and arrow to 45) based on the SI processor 67a generates audio/video selection information (the PID of the audio/video MPEG-2 TS of the selected program) and sends the PID to the audio/video/SI demultiplexer 45 for selecting corresponding output of the processing path (see Fig. 5 and above analysis).

In view of that the Examiner maintains the rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 8-16, 18-20, 30-39 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ishida (US 6434171).

Claims 1 and 11, Ishida disclose a set top box (STB; Fig. 5) for decoding media streams from multiple sources 2 (Fig. 1; Col. 4, lines 20-35), the STB comprising:

a processor 67;

a hardware decoder 47, coupled to the processor 67, for decoding media streams;

a first stream receiver 42 configured to receive a media stream from a first source (Fig. 5, el. 41);

a second stream receiver 62 configured to receive a media stream from a second source (Fig. 5, el. 41); and a stream selector 45 (MPEG-2 transport demux) having first and second inputs (one from el. 44 and another from CPU 67) and an output (see output of el. 45), the first input coupled to the first stream receiver (see el. 42,43,44 with arrow go to 54), the second input coupled to the second stream receiver (see el. 62,67 with arrow go to 45), and the output coupled to the hardware decoder (see arrow from el. 45 to 47), wherein the stream selector is configured to selectively direct one of the media streams to the hardware decoder under control of the processor (Col. 8, lines 48-65+ and Col. 11, lines 10-30), and wherein the hardware decoder 47 is configured to decode the selected output from the stream selector 45 (Col. 11, lines 9-28).

Claims 2 and 12, Ishida further discloses wherein at least one media stream comprises Moving Picture Experts Group (MPEG) stream, and wherein the hardware decoder comprises an MPEG decoder (see Fig. 5, el. 47).

Claims 3 and 13, Ishida further discloses wherein the first stream receiver comprises a video tuner (see Fig. 5, el. 42).

Claims 4 and 14, Ishida further discloses wherein the first source comprises a cable television source (See Fig. 1 and 7; CATV center).

Claims 5 and 15, Ishida further discloses wherein the second stream receiver comprises a modem device (see Fig. 5, el. 62).

Claims 8 and 18, Ishida further discloses wherein the stream selector comprises a multiplexer having a select line coupled to the processor (see Fig. 5, el. 45, 67).

Claims 9 and 19, Ishida further discloses an audio/video controller coupled to the hardware decoder for formatting media streams for presentation by an external display device (see Fig. 5, el. 48), and

an output coupled to the hardware decoder for providing operable connection to the external display device (see Fig. 5, el. 52, 53).

Claims 10 and 20, Ishida further discloses further comprising a storage device, coupled to the processor, for storing at least one media stream (see Fig. 5, el. 65/66).

Claim 30, Ishida discloses the STB comprising
Processing means67;
Means 47, coupled to the processor 67, for decoding media streams;
Means 32 for receiving a media stream from a first source (Fig. 5, el. 41);

Means 62 for receiving a media stream from a second source (Fig. 5, el. 41);
and

Stream selection means 45 (MPEG-2 transport demux) having first and second inputs (one from el. 44 and another from CPU 67) and an output (see output of el. 45), the first input coupled to the means for receiving a media stream from the 1st source (see el. 42,43,44 with arrow go to 54), the second input coupled to means for receiving a media stream from a second source (see el. 62,67 with arrow go to 45), and the output coupled to the hardware decoder (see arrow from el. 45 to 47), wherein the stream selection means are configured to selectively direct one of the media streams to the hardware decoder under control of the processing means (Col. 8, lines 48-65+ and Col. 11, lines 10-30), and wherein the decoder means 47 is configured to decode the selected output from the stream selector means 45 (Col. 11, lines 9-28).

Claim 31 is analyzed with respect to claim 1, Ishida further discloses a selector (MPEG-2 transport DMUX 45 of Fig. 5) for selecting between an output of the 1st processing path (42, 43, output of 44) and an output of the second processing path (61, 62, 67 and arrow to 45) based on the SI processor 67a generates audio/video selection information (the PID of the audio/video MPEG-2 TS of the selected program) and sends the PID to the audio/video/SI demultiplexer 45 for selecting corresponding output of the processing path; see Fig. 5.

Claim 32, Ishida further discloses wherein the receiver comprises a radio-frequency input coupled to a splitter 41, and the splitter comprises a first output coupled to the first processing path 42 and a second output coupled to the second processing path 61 (see Fig. 5).

Claim 33, Ishida further discloses wherein the first processing path comprises a video tuner 42 coupled to the first output of the splitter 41, and wherein the second processing path comprises a modem device 62 coupled to the second output of the splitter 41 (see Fig. 5).

Claim 34 , Ishida further discloses wherein the decoder comprises a hardware-based decoder (Fig. 5, el. 47).

Claim 35, Ishida further discloses wherein the video and streaming media signals are both encoded using a same technique (MPEG-2; see Fig. 5, el. 47), and

wherein the decoder includes capability to decode signals encoded using the same technique (MPEG-2; see Fig. 5, el. 47).

Claim 36, Ishida further discloses wherein the same technique comprises an MPEG encoding technique (see Fig. 7, el. 17).

Claim 38, Ishida further discloses wherein the receiver is integrated with a set top box (see fig. 5).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7, 17, 37 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (US 6434171).

Claims 6 and 16, Ishida does not disclose wherein the modem device comprises a Data Over Cable Service Interface Specification (DOCSIS) modem.

Official Notice is taken that the use of a DOSSIS modem is well known in the art for receiving high speed data over broadband network, such as CATV. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishida QPSK modem with a DOCSIS modem so to conform to standard of DOCSIS.

Claims 7 and 17, Ishida does not disclose, wherein the second source comprises an Internet Protocol (IP) source.

Official Notice is taken that transmitting Internet Protocol (IP) source along with CATV is well known in the art for allowing user able to access Internet data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishida to have a second source as Internet so to allow user to access Internet while watching TV.

Claim 37, Ishida does not disclose, wherein the same technique comprises a Digicypher encoding technique.

Official Notice is taken that video is compressed using various digital compression techniques, i.e., Digicypher is well known in the art for compressed video and audio images to be transmitted over high bandwidth channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishida to encode data with Digicypher scheme so to take the advantage of transmitting compressed data over high-speed bandwidth channel, i.e., satellite beside of CATV network.

Claim 39, Ishida does not disclose wherein the receiver is integrated with a television set.

Official Notice is taken that integrating the receiver within a TV is well known in the art for simplification purpose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate Ishida receiver within a TV so to reduce cost and simplify manufacturing process. Moreover, allow user to have a compact TV device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
07/21/2006



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PRIMARY EXAMINER